

Glen Cove Creek Mixed-Use Waterfront Development Project
NYSDEC #1-2805-00193/00001

Meeting Minutes
May 6, 2015 @ 10:00 am
NYSDEC Region I Offices, Stony Brook, NY

1. Introductions / Sign-In

- a. Refer to the attached Sign-In Sheet for a list of attendees.
- b. Acronyms
 - i. DEP – NYSDEC Division of Environmental Permits
 - ii. BOH-TW – NYSDEC Bureau of Habitat – Tidal Wetlands
 - iii. DER – NYSDEC Division of Environmental Remediation
 - iv. DMM – NYSDEC Division of Materials Management

2. Summary of Project Submissions and Current Status

- a. *[K. Risotto] Waterfront Permitting*
 - i. Summary of the NYSDEC coordination history from 2009 – present, based on the attached table. Brief discussion of the SEQRA coordination and review, application submission, and sediment sampling submission and coordination with DEP, BOH-TW, Marine Resources, and DMM.
- b. *[E. Koch] Upland Development, Sediment Sampling, and Remediation Activities*
 - i. Summary of the remediation history for the upland portion of the site, as well as brief history of coordination with DER, US EPA.

3. Sediment Sampling / Site Management Plans

- a. Sampling for low-sill bulkhead and existing upland portion of the transient marina areas discussed. DER is concerned that the sampling performed is not adequate for BOH-TW. BOH-TW indicated that they would like to review the sample results, but that additional testing may not be needed if the dredging/excavation work plan includes over-excavation and capping with clean material. K. Risotto and A. Walker to review the existing sample results and discuss what may be required.
 - i. Additional Discussion – If dredging to below the proposed low-sill bulkhead elevation prior to removal of the bulkhead, BOH-TW will not require any additional sampling of the low-sill bulkhead area. Similar condition for the transient marina. Based on premise that excavation to below these elevations will prevent any potentially contaminated sediments from entering the creek.
- b. DER is requiring that radiological sampling be added to the sediment sampling plan, protocols to follow the ferry terminal SMP and 7/16/2010 APEX Dredging & Excavation Work Plan.

- c. Protocols and procedures for dredging/excavation, material handling, and disposal of material to be determined based on results of sediment sampling.
 - i. Transient marina excavation/handling should follow the LiTungsten SMP.
- d. Sediment Sampling Plan Changes Needed
 - i. Add radiological sampling per ferry terminal SMP.
 - ii. Add low-sill bulkhead and transient marina project areas (dredging, excavation), sampling locations (already performed), and summary of sampling performed to plan, especially as they relate to the sampling requirements for BOH-TW.
 - iii. Add a project sequence per #4 below.

4. [New Topic] NYSDEC Coordination and Sequencing for Permitting/Approvals

- a. Sediment Sampling Plan to be revised per above. Plan was previously approved by DEP, BOH-TW, Marine Resources, and DMM. Plan needs to be approved by DER and we'll ask for another sign-off from BOH-TW to confirm the revisions are acceptable.
- b. Sediment sampling will then be conducted in accordance with the plan. Results to be submitted to all divisions of NYSDEC listed in #1 above, as well as US EPA.
- c. Dredging and Excavation Work Plan to be prepared, outlining the methodology for dredging/excavation, material handling/storage, and disposal.
 - i. Plan should follow previously approved plans for ferry terminal.
 - ii. Plan should cross reference the Waterfront application as applicable.
 - iii. Note for Plan: Capping may include armoring to prevent scouring of potentially contaminated sediments.
- d. Waterfront permit application materials (plans, narrative) to be updated to include references to Dredging & Excavation Work Plan, as well as any other information required by DEP, BOH-TW, DER, DMM.
- e. Approvals for Dredging & Excavation Work Plan and Waterfront will be issued simultaneously, similar to what was done for the ferry terminal. Both approvals will cross-reference each other.

5. *Stormwater Management*

- a. NYSDEC Article 25 §661.5(b)(44) states that they have jurisdiction over "New discharge of any pollutant requiring a SPDES permit pursuant to the environmental conservation law and complying with the requirements for the issuance of such a permit.". NYSDEC DEP and BOH-TW do not need to review the SWPPP, but need the following included in the waterfront permit documents:
 - i. Discussion of existing overland flow versus proposed stormwater management. They would like to see more info/details on the treatment system(s) proposed, to ensure that discharge to Glen Cove Creek through the proposed outfalls is treated satisfactorily.

- ii. Stormwater management pipe system layout.
- b. DER must review and approve the SWPPP.

6. *Discussion of Additional Information / Materials / Coordination Needed for Review of Waterfront Project*

- a. In general, DEP and BOH-TW have accepted the plan layouts for all components, including the ecology pier and small vessel marina. We went through the plan sheets and narrative, and they made some comments (below), but there may be additional comments/changes needed as they conduct the more thorough review for permit issuance.
- b. Discussion of the Upper Reach area, which is the main area of wetlands mitigation for the project. DEP will look at other large-scale, phased projects to determine how to draft/condition the permit for current proposed activities given the fact that the Upper Reach area is not owned by RXR yet.
- c. Changes Needed to Project Narrative and Presumptively Incompatible (PIp) Discussion
 - i. Analysis of wetland impacts/mitigation must include impacts to the mudflat/littoral zone wetlands for bulkhead reconstruction within 18". Calculations must also be updated for new small vessel marina footprint – less area impacted, which may offset the additional area for the 18" seaward extension of the bulkhead.
 - ii. Add justification of within 18" bulkhead construction.
 - iii. Add a statement that educational signage re: tidal wetlands will be placed at Garvies Point Beach, Captains Cove, and the Upper Reach.
- d. Changes Needed to Waterfront Plans
 - i. Please show the Art. 25 jurisdictional limits in red for easier review.
 - ii. Please color-code the outfalls: RXR project versus Garvies Point Rd project
 - iii. Stormwater outfalls (Sheets A-306, A-307)
 - 1. Show the bottom invert elevation as a line on the sections, or add a distance of the bottom invert to mudline
 - 2. Add flappers to the outfalls
 - 3. Add splash pads based on the following criteria: if water depth at the outfall location if < 6 feet at MLW, splash/scour pad/rock is required to prevent scouring below the outfall. If water depth is > 6 feet at MLW, splash/scour pad not required.
 - i. For Garvies Point Road outfalls, add a note stating "Splash pad by others" for those outfalls with splash pads. Need to confirm based on approved plans for road.

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Date	Action/Correspondence	Add'l Description/Notes
7/31/2009	NYSDEC DEIS Comment Letter	
10/16/2009	NYSDEC Application Submission	Initial application submission, with forms and plans
10/19/2009	NYSDEC Notice of Receipt of Application	
12/1/2009	Site Meeting w/NYSDEC	
12/16/2009	LUES DEIS Comment Response Letter	
12/21/2009	NYSDEC Meeting	to discuss proposed project elements
12/22/2009	NYSDEC Jurisdictional Submission	
6/11/2010	NYSDEC DEIS Comments	Jurisdictional Determination included
5/12/2011	NYSDEC Meeting	to discuss proposed project elements
5/18/2011	Presumptively Incompatible Narrative	interim submission to NYSDEC
6/23/2011	Presumptively Incompatible Narrative	interim submission to NYSDEC
7/8/2011	NYSDEC Feasibility Determination	
6/24/2014	Sediment Sampling Plan - Draft Submission	submission made 6/27/2014 to NYSDEC - cover letter and email from K.R.isotto attached; Ellis Koch sent to DER via email
10/3/2014	Sediment Sampling Plan - Draft Submission	based on comments rcv'd
10/20/2014	Sediment Sampling Plan - Final Submission	Plan approved by Tidal Wetlands, Marine Resources, DMM
12/22/2014	NYSDEC Submission Package	updated plans and project narrative
2/10/2015	NYSDEC Email re: Project POC, Coordination	information provided to NYSDEC 2/11/2015
4/14/2015	NYSDEC Email re: Plan Review/Coordination	meeting set for 5/6/2015 to discuss